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October 31, 2003

VIA HAND DELIVERY

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

**Re: Notice of *Ex Parte* Presentation by
US Datanet in WC Docket Nos. 02-361, 03-45 & 03-211**

Dear Ms. Dortch:

Yesterday, David Montanaro, Lynn Hartrick, Brad Mutschelknaus and I, on behalf of US Datanet, met with William Maher, Roger Woock, Tamara Preiss, Robert Tanner, Jennifer McKee, Joshua Swift and Russell Hanser of the Wireline Competition Bureau to discuss the above-referenced proceeding and to distribute the attached written presentation. During this meeting, US Datanet described its next-generation, national voice-over-packet network and the innovative services, lower prices and better customer service that US Datanet offers its customers. However, as US Datanet explained during the meeting, the imposition of above-cost access charges would disadvantage US Datanet and other providers of VoIP services. Likewise, the wholesale imposition of any legacy regulation could unnecessarily limit VoIP's potential.

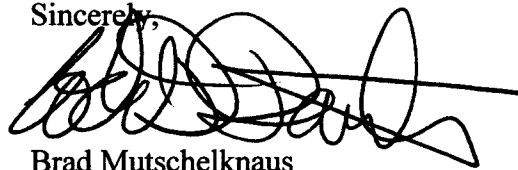
US Datanet stressed the need for the Commission to provide strong guidance with respect to the regulation of VoIP services, because piecemeal regulation by individual states will slow the development of VoIP services and harm VoIP service providers. US Datanet also emphasized the importance of ensuring that any change from the current unregulated status of VoIP services is applied on a prospective basis only.

As required by Section 1.1206(b), this *ex parte* notification is being filed electronically for inclusion in the public record of the above-referenced proceeding.

Marlene H. Dortch, Secretary
October 31, 2003
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Please direct any questions regarding this matter to the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to be "Brad Mutschelknaus", written over a horizontal line.

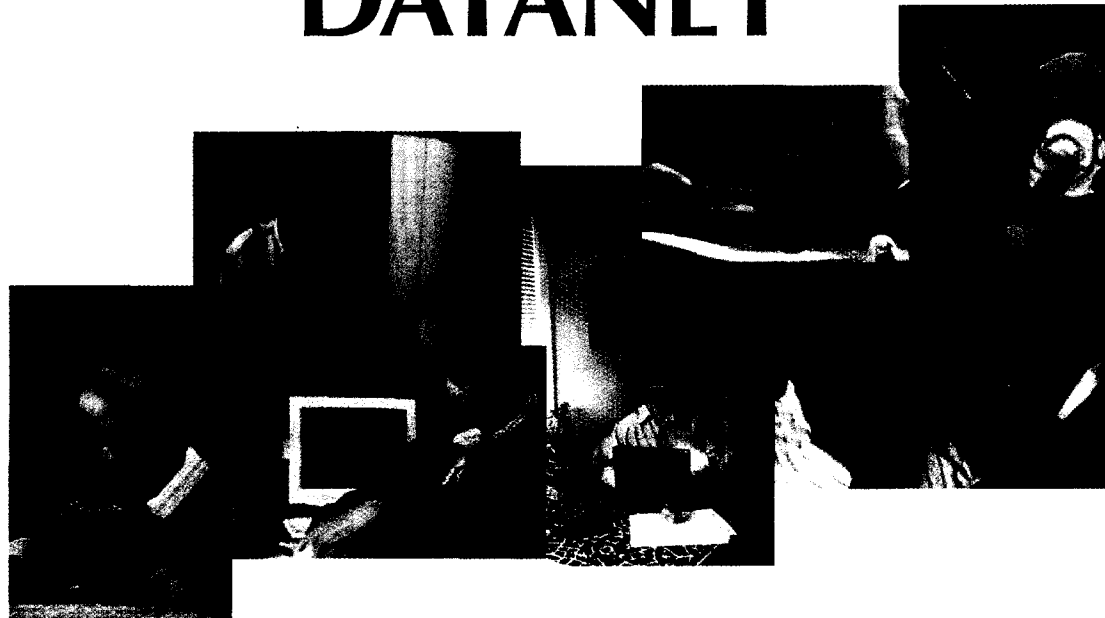
Brad Mutschelknaus
Todd D. Daubert
Counsel to US Datanet

Attachment

cc: Jeffrey Carlisle
Russell Hanser
William Maher
Jennifer McKee
Josh Swift
Robert Tanner
Tamara Preiss
Roger Woock

USA
DATANET.

USA
DATANET



The Future of VoIP Communications

Ex Parte Presentation in WC Docket Nos. 02-361, 03-45 & 03-211

October 30, 2003

***To leverage leading-edge
communications technologies,
creating convenient and affordable
products to improve the way people
exchange information***

■ **We are a uniquely positioned VoIP service provider changing the way people communicate ...**

- Founded in 1998 and based in Syracuse, NY – over 125 employees
- Utilizing a Next-Generation, national Voice-over-Packet Network to provide residential and business communication services at uniquely competitive rates
- Our network enables customers to have multiple points of access to our services, using any telephone device (wireless or landline) or personal computer, through local telephone numbers, and IP addresses
- 400,000 total registered customers with over 300,000 active users, with 450,000 customers projected by the end of 2003
- Will process 3 billion minutes of voice & data traffic in 2003
- Best-in-Class Customer support infrastructure (KSR Research April 2002)

- **US Datanet delivers value both to its customers individually and to the marketplace as a whole**
 - US Datanet offers its customers – including residential and small business – new and innovative services, lower prices and better customer service, all of which improves their ability to communicate effectively
 - By offering unique services, lower prices, and better customer service, US Datanet places competitive pressure on other carriers, which leads to better services at lower prices for everyone

- **The imposition of above-cost access charges would disadvantage US Datanet and other VoIP service providers**
 - US Datanet fairly compensates all carriers with which it interconnects, paying cost-based rates to other carriers for terminating traffic originated by US Datanet customers
 - Like all VoIP service providers, US Datanet will not be able to continue offering innovative, low-cost services if the FCC allows carriers to demand above-cost switched access rates for terminating traffic rather than the cost-based reciprocal compensation rates that currently apply
- **The wholesale imposition of any legacy regulation could unnecessarily limit VoIP's potential**

- **Without strong FCC guidance, piecemeal regulation by individual states will slow the development of VoIP services and harm VoIP service providers**
- **The FCC should find that VoIP is an interstate information service**
 - The FCC could increase regulatory certainty in the wake of the *Vonage* decision by concluding that VoIP is an interstate information service in the VoIP NPRM or NOI
- **In any event, the FCC should ensure that any change from the current unregulated status of VoIP services is applied on a prospective basis only**

USA
DATANET.

MYDATANET

USA
DATANET



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